



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Frank D. Quinn  
Executive Secretary  
Texas State Parks Board  
Austin, Texas

Dear Mr. Quinn:

Opinion No. O-4541

Re: Matter of form of bonds to be  
required of employees by the  
Texas State Parks Board.

We have your letter of April 8, 1942, requesting a legal opinion as to the proper form of fidelity bonds to be executed by the employees of the Texas State Parks Board. Accompanying your letter are three forms apparently in use, and you ask our opinion with respect specially to the forms submitted.

There appears to be no express requirement, or authority of the statute making it the duty of the Board to require bonds of its employees, such as the manager of parks mentioned by you, but Section 1 of H. B. No. 638, Chapter 431, of the 47th Legislature, Regular session, provides:

"The Board may make such rules and regulations for the carrying out of this Act, and the laws of this State relative to state parks, as it may deem necessary not in conflict with law."

This general power would appear to be sufficient to authorize the Board to require fidelity bonds of employees when in its official discretion it considers the same to be necessary, but whether or not the Board could require of such employees as a condition to their employment the giving of a bond, and such bond would be good as a common law obligation.

In the absence of a statute prescribing the conditions, or setting forth the form of such bond, it is our opin-

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ion that the safer and better rule would be to require a bond of such employee, conditioned for the faithful performance and discharge of all the duties required of him under the employment, and, further, that he will account for, and properly pay over, all money, and will deliver all property coming into his hands in virtue of such employment.

For the purposes of your Board, we disapprove specimen bonds 1 and 2, and advise that specimen No. 3 submitted by you is more nearly in keeping with our suggestions above. For your convenience we have numbered the specimen bonds to correspond with our answer, and the bonds are herewith returned.

RECEIVED PER 17 1942  
*Prosser*

Very truly yours

ATTORNEY GENERAL OF TEXAS

FIRST ASSISTANT  
ATTORNEY GENERAL

By

*Ocie Speer*  
Ocie Speer  
Assistant

OS-MR

Enclosure

